

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JAMES L. MERRITT,

Plaintiff,

vs.

KILOLO KIJAKAZI, Acting Commissioner of
Social Security;

Defendant.

8:21CV402

ORDER

Plaintiff has filed an application to proceed with this litigation without prepaying fees or costs. (Filing No. 2). The information contained in Plaintiff's application demonstrates that Plaintiff is eligible to proceed *in forma pauperis*.

IT IS ORDERED:

1. Plaintiff's application, (Filing No. 2) is granted, and the complaint shall be filed without payment of fees.

2. The Clerk of Court shall send a copy of this Memorandum and Order together with three summons form(s) and three USM-285 form(s) to Plaintiff's attorney of record for service of process on Defendant(s).

3. If Plaintiff is not requesting service by United States Marshal, Plaintiff's attorney of record shall, as soon as possible, complete the summons form(s) and return them to the Clerk of the court to be issued. The issued summon(s) will then be returned to Plaintiff's attorney of record for service on Defendant(s).

4. If Plaintiff is requesting service by the United States Marshal, Plaintiff's attorney of record shall, as soon as possible, complete the USM-285 form(s) and the summons form(s) and return them to the Clerk of the court. The Clerk of the court will sign the summons form(s), to be forwarded with a copy of Plaintiff's Complaint to the U.S. Marshal for service of process. The Clerk of the court will copy the Complaint; Plaintiff's counsel need not do so. The Marshal shall serve the summons and the Complaint without payment of costs or fees.

5. This order is entered without prejudice to the court later entering an order

taxing costs in this case. No one, including any plaintiff, is relieved by this order from the obligation to pay or to reimburse taxable costs after this action is over.

Dated this 13th day of October, 2021.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge